

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Promote Policy and Program Coordination and Integration in Electric Utility Resource Planning.

Rulemaking 04-04-003  
(Filed April 1, 2004)

Order Instituting Rulemaking to Promote Consistency in Methodology and Input Assumptions in Commission Applications of Short-Run and Long-run Avoided Costs, Including Pricing for Qualifying Facilities.

Rulemaking 04-04-025  
(Filed April 22, 2004)

**ADMINISTRATIVE LAW JUDGE'S RULING  
ON CALIFORNIAS FOR RENEWABLE ENERGY, INC.'S  
MOTION TO FILE OPENING TESTIMONY LATE**

Pursuant to a schedule established by the Administrative Law Judges (ALJ) assigned to this proceeding, Opening Testimony was due on August 31, 2005. On September 1, 2005, Californians for Renewable Energy, Inc. (CARE) filed a motion to file<sup>1</sup> its testimony one day out-of-time, and included its opening testimony with its motion.

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<sup>1</sup> Although CARE termed its motion a "Motion to File," testimony is not filed, but is served on parties. We will treat CARE's motion as a motion to allow the late service of opening testimony.

Dates for the exchange of opening and reply testimony are chosen by the ALJ in consideration of allowing the parties and the Commission ample time to read the testimony, draft reply testimony and prepare for the evidentiary hearings. Adherence to the procedural schedule is required by all parties to a proceeding in order to not prejudice any party's preparation time. Motions to file/serve documents late are not favored and are routinely denied.

However, in this situation where CARE served its opening testimony one day late, there is no prejudice to any party or the Commission, so CARE's motion is granted.

**IT IS RULED** that CALifornians for Renewable Energy, Inc.'s Motion to Serve Opening Testimony One Day Late is granted.

Dated September 7, 2005, at San Francisco, California.

/s/ CAROL A. BROWN  
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Carol A. Brown  
Administrative Law Judge

## **CERTIFICATE OF SERVICE**

I certify that I have this day served a true copy of the original attached Administrative Law Judge's Ruling Motion to File Opening Testimony Late on all parties of record in these proceedings or their attorneys of record by electronic mail to those who provided electronic mail addresses, and by U.S. mail to those who did not provide e-mail addresses.

Dated September 7, 2005, at San Francisco, California.

/s/ JANET V. ALVIAR

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Janet V. Alviar

## **N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.